



FOR IMMEDIATE RELEASE

Yakama Nation Tribal Council Declares Public Safety Crisis

Toppenish, Wash.—Persons engaged in unlawful activities on Yakama lands are on official notice through a Yakama Nation Tribal Council (YNTC) Resolution that could result in immediate exclusion, jail time, fines, suspension of all Treaty-reserved hunting, fishing and gathering rights, and banishment from the Yakama Nation with forfeiture of per capita payments.

The YNTC, in asserting its sovereign authority over Yakama lands and people, will impose harsher punishments and faster consequences against the recurrence of illegal activities and crimes occurring on the Yakama lands.

Washington State Patrol's refusal to actively patrol the Yakama Reservation since the Tribe's successful retrocession through PL-280 last year, mixed with rampant crime in the small town of White Swan, prompted the Tribe to take immediate action to halt illegal activities and crime there.

The YNTC on February 7, 2018 passed Resolution T-057-18 for the health, safety and welfare of residents throughout the Yakama Reservation. "This public safety crisis has been initiated to address the criminal activity taking place within our lands. The Yakama Nation is calling upon the United States to fulfill its trust fiduciary responsibility to our lands and people in addressing this crisis appropriately. We are also calling upon all jurisdictions to work together to ensure that all people Native and non-Native alike are safe," said JoDe Goudy, Tribal Council Chairman.

The YNTC declared a public safety crisis through the Resolution. Councilwoman Esther Moses-Hypeer, who lives in White Swan, said "We have crime and malicious activity, assault and abuse of community members happening." The YNTC has held community and program meetings with the Public Safety officers of the area to coordinate and address the issue. "As leaders of this Nation we have heard the concerns of our community members and are taking this activity very seriously because this is an issue not only happening in White Swan but throughout Yakama lands and all communities. We need to come together to make a positive difference," Moses-Hypeer said.

The White Swan YN Tribal Police sub-station will re-open. A 7 day a week, 8 p.m. curfew is now in place for youth in the White Swan community. A 24-hour telephone hotline will also be in place for reporting crime. Included in the Resolution is direction for the removal of unauthorized or condemned structures, trash, debris, abandoned vehicles, RV's, trailers and tents, trees, and other vegetation implemented by YN Zoning, Solid Waste, Environmental Management, Water Code Administration, Land Enterprise, YN Housing Authority and Law Enforcement programs.

Contact: Yakama Nation Media Committee 509-865-5121.



RESOLUTION

T-057-18

WHEREAS, the Yakama Nation is a federally recognized Nation pursuant to the Treaty of 1855 (12 Stat. 951); and

WHEREAS, the Yakama Tribal Council is the governing body of the Confederated Tribes and Bands of the Yakama Nation of the Yakama Reservation, by the authority delegated by the Resolution of February 1944 and Resolution T-38-56; and

WHEREAS, the Yakama Nation possesses inherent powers of self-government and sovereign authority over Yakama lands and people, and the Tribal Council has an obligation by their oath to protect the health, safety and welfare of residents living on Yakama lands; and

WHEREAS, the health, safety and welfare of residents throughout the Yakama Reservation and everywhere the Yakama Nation exercises its jurisdiction has been threatened by an epidemic of drug use, plague of criminal activity, disregard for the rule of law and general civil unrest, which has resulted in a public safety crisis and any delay or inaction in addressing this public safety crisis will be detrimental to the Yakama Nation; and

WHEREAS, since the State of Washington's retrocession of Public Law 83-280 on April 19, 2016, its State police agency has refused to actively patrol the State's public rights of way that fall within the exterior boundaries of Yakama Reservation despite owing a duty to protect and serve all citizens of the State of Washington, Native and non-Native persons alike; and

WHEREAS, the Treaty of 1855 obligates the United States, its agencies, and all jurisdictions subject to its authority to fulfill the trust fiduciary duty owed to the Yakama Nation in a manner that protects and preserves its land and resources, and promotes the safety and wellbeing of all Native and non-Native persons residing within the exterior boundaries of the Yakama Reservation.

NOW, THEREFORE, BE IT RESOLVED, by the Yakama Tribal Council, meeting in Regular Session at the Governmental Headquarters of the Confederated Tribes and Bands of the Yakama Nation, with a quorum being present, it is hereby declared that a public safety crisis exists for the Yakama Reservation and all territory where the Yakama Nation exercises jurisdiction, and that such declaration empowers the Tribal Council to take any and all necessary actions to immediately address the public safety crisis until such time as the Tribal Council declares an end to the public safety crisis.

BE IT FURTHER RESOLVED, that to restore peace and order and to bring an end to the public safety crisis, the Tribal Council hereby directs the immediate adoption and implementation of the following laws, rules, regulations and policies, which shall supersede any and all conflicting and inconsistent provisions of the Revised Yakama Code ("RYC"), or any other subordinate laws, rules or regulations of the Yakama Nation:

- 1) Opening and permanent staffing of the White Swan Police Department located at the White Swan sub-station.
- 2) Establishment of a 24-hour telephone hotline for reporting crime.

- 3) Enactment of a White Swan CURFEW from 8:00PM to 6:00AM, seven (7) days a week, for all juveniles if unaccompanied by a parent, guardian or custodian. Violations will result in a show cause citation issued to the juvenile's parent, guardian or custodian, with imposition of a mandatory fine of \$500.00 chargeable under RYC 80.03.110(3) for the failure of a juvenile's parent, guardian or custodian to appear when summoned by the Tribal Court or failure to bring the juvenile to the Tribal Court. Violation of this CURFEW regulation will result in a mandatory fine of \$100.00 chargeable under RYC 10.01.35 regardless of the willfulness or knowledge of the juvenile's parent, guardian or custodian.
- 4) Imposition of enhanced mandatory sentences and penalties of certain RYC criminal offenses as follows:
- A. Confinement of six (6) months and fine of \$2,000.00, plus actual costs for any resulting injuries or damages upon conviction of:
 - i. 10.01.107 - MALICIOUS MISCHIEF
 - ii. 10.01.149 - THEFT - limited to theft of property valued between \$1,000.00 and \$2,000.00.
 - iii. 10.01.109 - MARIJUANA AND CONTROLLED SUBSTANCES - limited to possession of methamphetamine, heroin or opioids in an amount less than one-eighth ounce.
 - B. Confinement of one (1) year and fine of \$5,000.00, plus actual costs for any resulting injuries or damages upon conviction of:
 - i. 10.01.11 - ASSAULT AND BATTERY
 - ii. 10.01.15 - BREAKING AND ENTERING
 - iii. 10.01.149 - THEFT - limited to theft of property valued greater than \$2,000.00.
 - iv. 10.01.151 - THREAT OR INTIMIDATION
 - v. 10.01.155 - UNAUTHORIZED USE OF PROPERTY, INCLUDING VEHICLES
 - C. Confinement of one (1) year and fine of \$10,000.00, plus actual costs for any resulting injuries or damages upon conviction of:
 - i. 10.01.109 - MARIJUANA AND CONTROLLED SUBSTANCES - limited to possession of methamphetamine, heroin or opioids in an amount between one-eighth ounce and one-quarter ounce.
 - ii. 50.21.01 - RECKLESS DRIVING
 - iii. 50.21.03 - DRIVING UNDER THE INFLUENCE
 - D. As authorized by the Tribal Law and Order Act of 2010 and applicable federal law, confinement of three (3) years and fine of \$15,000.00, plus actual costs for any resulting injuries or damages upon conviction of:
 - i. 10.01.10 - ASSAULT WITH DEADLY WEAPON
 - ii. 10.01.23 - CHILD MOLESTATION
 - iii. 10.01.109 - MARIJUANA AND CONTROLLED SUBSTANCES - limited to possession of methamphetamine, heroin or opioids in an amount greater than one-quarter ounce, or manufacture or distribution of any amount thereof.
 - iv. 10.01.131 - SEXUAL ASSAULT AND BATTERY
 - v. 50.21.09 - NEGLIGENT HOMICIDE BY VEHICLE
- 5) Enactment and adoption of the criminal offense of ELUDING, which states that "any person operating a vehicle who willfully fails or refuses to immediately bring his or her vehicle to a stop after being given a visual or audible signal to do so by a Law Enforcement Officer is guilty of eluding, and upon conviction thereof, shall be punished as provided by RYC 50.21.01", with imposition of the same enhanced mandatory sentence and penalties provided under this Resolution with confinement of one (1) year and fine of \$10,000.00, plus actual costs for any resulting injuries or damages upon conviction.
- 6) Payment of a \$500.00 reward for information leading to the conviction of any above-listed criminal offense.

- 7) Immediate EXCLUSION of any non-Yakama involved in activity related to manufacture or distribution of methamphetamine, heroin or opioids regardless of whether the activity is committed within or outside the exterior boundaries of the Yakama Reservation, or of any non-Yakama registered as a sex offender in any jurisdiction.
- 8) Immediate BANISHMENT, including seizure and forfeiture of all per capita entitlements and suspension of all Treaty-reserved hunting, fishing and gathering rights, of any enrolled Yakama member who is convicted of an activity related to possession of methamphetamine, heroin or opioids in an amount greater than one ounce, or manufacture or distribution of any amount thereof, or who is convicted of an activity related to child molestation, regardless of whether the activity is committed within or outside the exterior boundaries of the Yakama Reservation.
- 9) Collection and publishing of all Yakama Nation police statistical data in the Yakama Nation Review, including the names of any person convicted of any of the above-listed criminal offenses, and also those persons excluded and banished.
- 10) Removal of all unauthorized or condemned structures, trash, debris, abandoned vehicles, RV's, trailers and tents, trees and other vegetation, and any other identified object that may increase the likelihood of a crime to be committed within the exterior boundaries of the Yakama Reservation, and everywhere the Yakama Nation exercises jurisdiction, and to be implemented and enforced by Yakama Nation's Zoning, Solid Waste, Environmental Management, Water Code Administration, Land Enterprise and Law Enforcement programs, and also by Yakama Nation Housing Authority.
- 11) Traditional hearings and penalties may be requested and imposed.

BE IT FURTHER RESOLVED, the mandatory sentences and penalties set forth herein may be substituted by a traditional hearing, but only if there is voluntarily self-reporting of criminal activity prior to any issuance of a warrant, detainment or arrest by law enforcement, and only upon a willful admission of guilt and acceptance of traditional penalty.

BE IT FURTHER RESOLVED, that within seven (7) days of the date of this Resolution, each relevant program, enterprise, and agency of the Yakama Nation will identify and propose to their oversight Committees appropriate actions, operational policies, regulations, laws or other revisions to support stabilization of the public safety crisis.

BE IT FURTHER RESOLVED, this declared public safety crisis automatically expires after three hundred and sixty-five (365) days, unless ended sooner or extended by Tribal Council Resolution.

BE IT FURTHER RESOLVED, any crimes committed or prosecuted during the active period of this Resolution shall be sentenced and/or served in accordance with this Resolution.

BE IT FURTHER RESOLVED, a copy or summary of this Resolution will be published in the Yakama Nation Review, emailed to all Yakama Nation employees, posted at all Yakama Nation governmental buildings, and delivered to the proper officials located within the following federal, state and local agencies and departments:

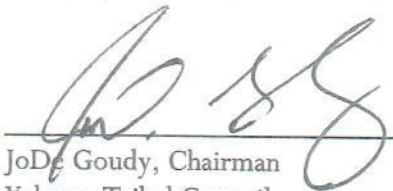
- 1) Department of Justice: U.S. Attorney, FBI, ATF, DEA, Office of Tribal Justice.
- 2) Department of Interior: Assistant Secretary of Interior, Director of BIA, BIA Office of Justice Services.
- 3) Department of Homeland Security: U.S. Immigration and Customs Enforcement
- 4) State of Washington: Governor, Washington State Patrol.
- 5) Local: Yakima County, Klickitat County, Kittitas County, City of Toppenish, City of Wapato, City of Mabton, City of Yakima, City of Union Gap, City of Harrah, City of Zillah, City of Granger, City of Goldendale.

BE IT FURTHER RESOLVED, that the Yakama Nation insists that any agency or jurisdiction, owing a duty to protect and serve the public, reallocate their budgets and direct that additional resources be dedicated to deal with crime impacting the safety and wellbeing of all persons, Native and non-Native alike, who reside within the exterior boundaries of the Yakama Reservation.

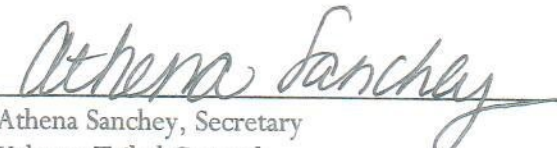
BE IT FURTHER RESOLVED, that the Yakama Nation demands that the Governor of the State of Washington either direct the Chief of its state police agency to resume active patrol of the State's public rights of way that fall within the exterior boundaries of Yakama Reservation, or that the Governor of the State of Washington release to the Yakama Nation the State's allocated budget for such activity so that Yakama Nation can fully take over the State police agency's taxpayer-funded responsibility to protect and serve all citizens of the State of Washington, Native and non-Native persons alike, who reside within or pass through the exterior boundaries of the Yakama Reservation.

BE IT FINALLY RESOLVED, that the Yakama Nation does not waive, alter, or otherwise diminish our Sovereign Immunity, whether expressed or implied, by virtue of this resolution for any and all administrative or legal action which may arise directly or indirectly from the same; nor does the Yakama Nation waive, alter, or otherwise diminish our rights, privileges, remedies or services guaranteed by the Treaty of 1855.

DONE AND DATED on this 7th day of February 2018, by the Yakama Tribal Council by a vote of 8 for, 0 against, 0 abstentions.


JoDe Goudy, Chairman
Yakama Tribal Council

ATTEST:


Athena Sanchey, Secretary
Yakama Tribal Council

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